

IN THE UNITED STATES DISTRICT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

ORKIN, INC.)
)
Plaintiff,)
)
v.) Case No. 3:05-05167-CV-SW-DW
)
)
MARK S. WINGO)
and MARSACO FREEDOM PEST)
CONTROL, L.L.C. d/b/a)
FREEDOM PEST CONTROL, L.L.C.)
)
Defendants.)

ORDER

Before the Court is Plaintiff's Motion for Entry of Default. (Doc. 25). Pursuant to Federal Rule of Civil Procedure 55, Plaintiff moves the Court to enter default against Defendant Marsaco Freedom Pest Control, d/b/a Freedom Pest Control, for failing to plead or otherwise defend this action. Orkin filed this Complaint on December 19, 2005 and Defendant Freedom Pest Control's agent was served on February 22, 2006. Accordingly, Defendant Freedom Pest Control was required to answer or otherwise plead by May 14, 2006. Fed. R. Civ. P. 12(a)(1)(A).

Defendant Freedom Pest Control is a limited liability company, registered with the Missouri Secretary of State, with its principal place of business in Nevada, Missouri. While Defendant Mark Wingo has appeared in this action pro se, it is well established that a corporation may not be represented in court without an attorney present. Carr Enters., Inc. v. United States, 698 F.2d 952, 953 (8th Cir. 1983). As of the date of this Order, Defendant Freedom Pest Control has neither answered nor otherwise plead in response to Plaintiff's Complaint. Accordingly, the Court orders the Clerk of the Court to enter Defendant Freedom Pest Control's default pursuant

to Federal Rule of Civil Procedure 55(a).

The Court directs the Clerk of the Court to send by certified mail a copy of this Order to the Defendant Freedom Pest Control's last known address.

IT IS SO ORDERED.

/s/ DEAN WHIPPLE
Dean Whipple
United States District Judge

Date: July 5, 2006